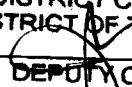


FILED

OCT 27 2017

**IN THE UNITED STATES DISTRICT
COURT FOR THE WESTERN DISTRICT
OF TEXAS SAN ANTONIO DIVISION**

CLERK, U.S. DISTRICT COURT,
WESTERN DISTRICT OF TEXAS
BY  DEPUTY CLERK

JOSHUA A. WHITE,

Plaintiff,

v.

THE BUCKLE, INC. d/b/a/ BUCKLE
BRANDS, INC.

Defendants,

Civil No. SA-16-CA-910-OLG

ORDER

Before the Court is Plaintiff's Motion to Compel (docket no. 20) and Defendant's response. Docket no. 22. In light of the pleadings and applicable law the Court finds Plaintiff's motion should be GRANTED in PART and DENIED in Part.

Plaintiff's motion to compel includes Request No. 20, Request No. 23, Request No. 24, Request No. 25, and Request No. 38. In his response, Defendant only objected to Request No. 23 which will be discussed below. As there is no objection to the other requests, the Court grants Plaintiff's Motion as to Requests Nos. 20, 24, 25, 38.

Request No. 23: Please produce any and all quarterly and annual reports that discuss employment discrimination complaints, retaliation complaints, investigations into those complaints, and/or the results of any of those investigations or complaints.

Response: Defendant objects to this request to the extent that it is overbroad and not reasonably calculated to lead to the discovery of admissible evidence. (Aug.

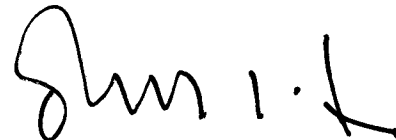
17, 2017 Response) The Plaintiff explained that this request seeks reports which discuss lawsuits based on discrimination. This information is relevant to the employer's knowledge about laws protecting members of the Reserves and National Guard.

The Court finds that request No. 23 is overboard as it lacks any temporal and discrimination type limitations. Plaintiff argues Request no. 23 is relevant because it pertains to Defendant's knowledge of USERRA, and the relevant laws protecting the members of the Reserves and National Guard. Docket no. 17. Based on Plaintiff's own motion it is apparent to the Court Plaintiff seeks only those employment discrimination complaints regarding USERRA. Therefore, Plaintiff's motion to compel a response to Request for Production No. 23 is granted as to USERRA discrimination complaints only and the request is further limited to USERRA discriminations complaints dating back to June 2012.

It is therefore ORDERED that Plaintiff's Motion to Compel (docket no. 20) is GRANTED in Part and DENIED in Part. .

IT IS SO ORDERED.

SIGNED this 27 day of October, 2017.



ORLANDO L. GARCIA
CHIEF UNITED STATES DISTRICT JUDGE